



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 05, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

22 April 5, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**JOB ORDER CONTRACT FOR PARKWAY CONCRETE
MAINTENANCE, SOUTH LOS ANGELES COUNTY
SPECIFICATIONS: VARIOUS
AWARD CONTRACT
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action will authorize the award of Job Order Contract 1001 for parkway concrete maintenance work at various locations in South Los Angeles County to Minako America Corporation dba Minco Construction, the lowest responsive and responsible bidder.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that Y&M Construction, Inc., was a nonresponsive bidder for Job Order Contract 1001.
2. Find that Minako America Corporation dba Minco Construction is the lowest responsive and responsible bidder, and award a contract to Minako America Corporation dba Minco Construction for a not-to-exceed amount of \$4 million for Job Order Contract 1001 for parkway concrete maintenance work at various locations in South Los Angeles County.
3. Authorize the Director of Public Works or her designee to execute a Job Order Contract with Minako America Corporation dba Minco Construction in the form previously approved by County Counsel, and establish the effective date following receipt of approved Faithful Performance and Labor and Materials bonds and insurance filed by the contractor.

4. Find the award of this Job Order Contract exempt from the California Environmental Quality Act.
5. Authorize the Director of Public Works or her designee to issue work orders to the contractor in an aggregate per Job Order Contract amount not to exceed the maximum amount of the Job Order Contract upon receipt of funding authorization from the Chief Executive Office.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find the award of this Job Order Contract (JOC) is exempt from the California Environmental Quality Act (CEQA) and augments the Department of Public Works' (Public Works) ability to effectively and efficiently maintain, repair, and refurbish County roads and appurtenant improvements.

The JOC is a flexible, cost-effective unit price contracting method to accomplish maintenance, repair, and refurbishment of County of Los Angeles facilities and infrastructure without extensive plans and specifications. The State Public Contract Code allows JOCs to be valid for 1 year. Public Works will implement the Board-approved Local Worker Program based on project locations in accordance with the intent of the program. The proposed JOC will be used for repair, refurbishment, or other repetitive work, but not for new construction.

On July 13, 2010, your Board authorized the Director of Public Works or her designee to advertise and award nine separate JOCs for work involving maintenance and repair of roads. On October 26, 2010, Public Works opened bids for three of these contracts: JOCs 1001, 1002, and 1003. Y&M Construction, Inc., (Y&M) submitted the apparent lowest responsive and responsible bid for JOC 1001. Upon review of Y&M's bid, it was determined that its bid was not responsive to one of the bid requirements: Y&M failed to provide material facts on the Bidder's Industrial Safety Record form as required of all bidders. Because Y&M's bid was nonresponsive, Public Works recommends award to the next lowest responsive and responsible bidder, Minako America Corporation dba Minco Construction, for a not-to-exceed amount of \$4 million for JOC 1001.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) by increasing our ability to manage fluctuations in workload in a responsive manner and provide responsive, efficient, and high-quality public service.

FISCAL IMPACT/FINANCING

There is no impact to the County General Fund as a result of the recommended actions. Maintenance, repair, remodeling, and refurbishment work will be financed through the appropriate funding authorization.

Sufficient funds for this JOC work will be made available from Fiscal Years 2010-2011 and 2011-2012 Road Fund Budgets prior to authorizing the work.

Public Works will work with the Chief Executive Office to quantify any administrative costs attributable to the Local Worker JOC Program and present any necessary budgetary recommendations to your Board for approval.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contract will be in the form previously reviewed and approved by County Counsel. The recommended JOC 1001 was solicited on an open competitive basis and in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and your Board's requirements.

Award of the contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. The contract will contain terms and conditions supporting your Board's ordinances, policies, and programs, including but not limited to: County's Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN/GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; and the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; Defaulted Property Tax Reduction Program, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

Data regarding the proposer's minority participation is on file with Public Works. The contractor was selected upon final analysis and consideration without regard to race, creed, color, or gender.

The State Public Contract Code requires the County to award construction contracts to the lowest responsive and responsible bidder, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by demonstrating the attributes of trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the work required under the bid solicitation. To ensure that the contract is awarded to the lowest responsible contractor with a satisfactory history of performance, bidders were required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractors' State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor was considered before making a recommendation to award.

The General Conditions, Specifications, and Unit Price Books include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

Local Worker Hiring JOC Program

Monitoring of the Local Worker JOC Program will be provided by Public Works' contract administration staff based on review of the JOC work site and individual labor hours in the local area to determine a percentage of hours worked by each of the specific work orders. The contractor will provide certified payroll records for labor forces. These records will be monitored by work order, hours worked, and zip code of the workers to establish the percentage of total work performed by local forces. Public Works will report the results of the Local Worker JOC Program to your Board each year as part of its annual resolicitation for JOC contractors.

ENVIRONMENTAL DOCUMENTATION

The recommended actions are exempt from CEQA because it can be seen with certainty that there is no possibility that approval of the project may have a significant impact on the environment pursuant to Section 15061(b)(3) of the State CEQA Guidelines. The proposed project is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The approval of this JOC does not include approval of the work done pursuant to each work order. The implementation of each work order under this JOC shall be subject to prior determination and documentation by Public Works that the work is categorically exempt from CEQA. The type of work to be performed under this JOC is generally anticipated to be exempt under Section 15301, Class 1, of the State CEQA Guidelines, as well as Class 1 of the County Environmental Document Reporting Procedures, since it involves landscaping, maintenance, repair, and refurbishment of roadways. In the event the work is not exempt, your Board will be requested to approve the appropriate environmental finding and any applicable documentation pursuant to CEQA prior to implementation of work under this contract.

CONTRACTING PROCESS

On September 16, 2010, using the JOC Unit Price Book and Specifications adopted by your Board on July 13, 2010, we issued a request for bids for a total of three JOCs. Bids were opened on October 26, 2010, for JOC 1001. Bidders were required to submit a cost adjustment factor that would be applied to the unit prices for work in the JOC Unit Price Book. The low bid was determined by calculating a composite factor using a predetermined formula.

At the time of the bid opening, Y&M submitted the apparent lowest responsive and responsible bid. Upon review of Y&M's bid, it was determined that its bid was not responsive to one of the bid requirements: Y&M failed to provide material facts on the Bidder's Industrial Safety Record form as required of all bidders. Because Y&M's bid was nonresponsive, Public Works recommends award to the next lowest responsive and responsible bidder, Minako America Corporation dba Minco Construction.

As required by your Board on February 3, 1998, the invitation for bids was listed on the Doing Business with Us website. A copy of the website posting is enclosed for your reference.

Public Works has evaluated and determined that the Living Wage Program (County Code Chapter 2.201) does not apply to the recommended contract as this contract is for a non-Proposition A service.

Participation by Community Business Enterprises (CBE) in the project is encouraged through Public Works' Capital Projects CBE Outreach Program and by monitoring the good faith efforts of the bidder to utilize CBEs.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The use of this contract will expedite the completion of maintenance, repair, and refurbishment of County roads. Minor impacts to adjacent residents, businesses, and motorists may occur while maintenance, repair, and refurbishment work on County roads is underway.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Architectural Engineering Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER
Director

SA:rk

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Department of Public Social Services
(GAIN/GROW Program)
Executive Office
Office of Affirmative Action Compliance

Award information has not been added at this time.

Bid Information

Bid Number : RMDJOC1001

Bid Title : PARKWAY CONCRETE MAINTENANCE, SOUTH LOS ANGELES COUNTY

Bid Type : Construction

Department : Public Works

Commodity : CONSTRUCTION SERVICES, HIGHWAY AND ROAD

Open Date : 9/16/2010

Closing Date : 10/26/2010 11:00 AM

Notice of Intent to Award : [View Detail](#)

Bid Amount : N/A

Bid Download : Available

Bid Description : Parkway Concrete Maintenance, South Los Angeles County, Project ID No. RMDJOC1001. The root pruning, crown reduction, and removal of trees; reconstruction of curb and gutter, sidewalk, driveways, alley intersections, and cross gutters; and the performance of other appurtenant work. The Contract amount will be \$4,000,000 and shall be for one year or until \$4,000,000 of expenditure occurs, whichever comes first. Bid Package Price \$15 if picked up and \$18 if mailed. All Public Works bids must be submitted on proposal forms included in the bidder's package of plans and specifications which may be purchased at the Cashier's Office, Mezzanine level (between the lobby and second floor), 900 South Fremont Avenue, Alhambra, CA 91803-1331, on Mondays through Thursdays, between 7 a.m. and 5:30 p.m. Bid must be submitted at the Cashier's Office before 11 a.m. on the closing date. For further information, call (626) 458-6959. A mandatory pre-bid meeting is scheduled for Tuesday, October 19 at 9:30 a.m. in the Alhambra Room, Los Angeles County Department of Public Works, Headquarters Building, 900 S. Fremont Avenue, Alhambra, CA 91803. Attendance at this meeting is required for award of the contract. Attendees are strongly encouraged to purchase the bidder's package and familiarize themselves with the contract documents prior to attendance at this meeting. Attendees are cautioned that parking is limited and are encouraged to arrive early.

Contact Name : Erik Updyke

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